

U.S. Application No.: 10/808,969
AMENDMENT A

Attorney Docket: 4052.001

REMARKS

The foregoing amendments and these remarks are in response to the Office Action dated March 14, 2006. This amendment is filed with a request for extension of time and authorization to charge Deposit Account No. 50-0951 for the appropriate fees.

Status of the Claims

At the time of the Office Action, claims 1-18 were canceled, claim 35 was indicated to be allowed, and claim 30 was indicated to be allowable if presented in independent form.

Claim 30 is herewith presented as an independent claim.

Applicants respectfully submit that claim 25, as amended to recite that the cooling device is attached to the heating device, is allowable for reasons set forth below. Support for the amendment can be found in the specification, page 8, second paragraph - "the electrical heating plate 3 is glued ..."

Independent claim 19 has been canceled, and claims originally depending from claim 19 now depend from claim 25.

Independent claims 34 and 36 have also been canceled.

Accordingly, it is believed that the application is now in condition for allowance.

Claims Rejections – 35 USC § 112, second paragraph

Claims 29 is rejected under 35 U.S.C. §112, second paragraph. The Examiner suggests that claim 29 should depend from claim 28.

Applicants agree. Claim 29 has been amended to depend from claim 28.

Claims Rejections – 35 USC § 102

Claims 19, 22-27 and 34 are rejected under 35 U.S.C. 102(a) as being anticipated by Blumenfeld et al. (6,228,634).

Claims 19-25, 28, 29 and 34 are rejected under 35 U.S.C. 102(a) as being obvious [sic] (it

{WP318853;1}

- 7 -

U.S. Application No.: 10/808,969
AMENDMENT A

Attorney Docket: 4052.001

appears from the form of the Office Action that the Examiner formulated an anticipation rejection) over Crump (US 3,289,749).

Applicants respectfully traverse in view of the amendment of claim 25 (the sole remaining not-yet-allowed independent claim) to recite that the cooling device is attached to the heating device.

In contrast, Crump describes a heating/cooling element in the form of a rod which is wrapped by a heating wire. The wire is not attached.

Bloomfeld et al describes a heating/cooling face with a heating plated attached to one side. On the other side of the heating/cooling face a fan is present but not attached to the heating/cooling face.

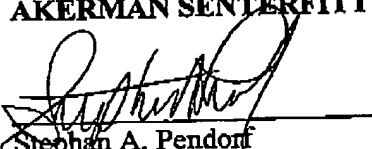
The warming/chilling apparatus according to claim 25, wherein the cooling device is not only arranged on a side of the heating device, but is attached to the heating device, is neither anticipated by nor obvious over the teachings of the recited references.

Accordingly, withdrawal of the rejection is respectfully requested.

Applicants believe that all the claims are now allowable. Favorable consideration and early issuance of the Notice of Allowance are respectfully requested. Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number. The Commissioner for Patents is hereby authorized to charge any deficiency in fees due or credit an excess in fees with the filing of the papers submitted herein during prosecution of this application to Deposit Account No. 50-0951.

Respectfully submitted,

AKERMAN SENTERFITT


Stephen A. Pendora
Registration No. 32,665
22 Lakeview Avenue, Suite 400
West Palm Beach FL 33401
Telephone: 561.653.5000

Date: July 14, 2006

{WP318853;1}

- 8 -